

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Michael R. Matthias

*Attorney for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04582 (SMB)

Plaintiff,

v.

GERALD BLUMENTHAL,

Defendant.

STIPULATION EXTENDING TIME TO RESPOND

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned herein, that the date before which defendant Gerald Blumenthal (“Defendant”) may move, answer or otherwise respond to the amended complaint (the “Complaint”) filed in the above-captioned adversary proceeding is extended up to and including January 15, 2016.

The purpose of this stipulated extension is to provide additional time for Defendant to answer, move against, or otherwise respond to the Complaint. Nothing in this Stipulation is a waiver of the Defendant’s right to request from the Court a further extension of time to answer, move or otherwise respond and/or the Trustee’s right to object to any such request.

Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction.

Undersigned counsel for the Defendant: (i) expressly represent that as of the date of this stipulation, Defendant is not deceased; (ii) expressly agree to notify the Trustee in writing of the death of Defendant within five (5) days of the date upon which counsel first learns of Defendant’s death, and to provide to the Trustee the county and state of residence at the time of death of Defendant; and (iii) expressly agree to reasonably cooperate with the Trustee, where applicable, by, among other things, (a) advising the Trustee whether a probate has or will be filed, (b) filing a stipulation substituting Defendant’s estate or personal representative/executor and/or (c) advising the Trustee who will represent Defendant’s estate herein and in any probate proceeding. For the avoidance of doubt, the parties to this stipulation expressly agree that the obligations set forth in this paragraph shall continue beyond the time period addressed by the stipulation and shall be ongoing for the duration of the above-captioned adversary proceeding.

This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the

same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original. This Stipulation is entered into pursuant to the Order Granting Supplement Authority To Stipulate To Extensions of Time To Respond And Adjourn Pre-Trial Conferences (ECF. No. 10106) in the above-captioned case (No. 08-01789 (SMB)).

Dated: December 9, 2015

Of Counsel:

BAKER & HOSTETLER LLP

11601 Wilshire Boulevard, Suite 1400
Los Angeles, California 90025-0509
Telephone: 310.820.8800
Facsimile: 310.820.8859
Michael R. Matthias
Email: mmatthias@bakerlaw.com

BAKER & HOSTETLER LLP

By: s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorney for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

MILBERG LLP

By: s/ Joshua E. Keller
One Pennsylvania Plaza, 49th Floor
New York, New York 10119
Telephone: 212.946.9318
Facsimile: 212.504.8142
Joshua E. Keller
Email: jkeller@milberg.com

Attorneys for Defendant

TRIPP SCOTT

110 Southeast 6 Street
Fort Lauderdale, Florida 33301
Telephone: 954.525.7500
Facsimile: 954.761.8475
Charles M. Tatelbaum
Email: cmt@trippcott.com

Pro Hac Vice for Defendant